

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Vera L Givens

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(In the space above enter the full name(s) of the plaintiff(s).)

-against-

CITY OF NEW YORK, New York  
City Department of Corrections  
Patricia Gatling, Commissioner of  
The New York City Commission on Human Rights See Attached  
for additional  
Defendants

(In the space above enter the full name(s) of the defendant(s).  
If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names.  
Typically, the company or organization named in your charge to the Equal Employment Opportunity Commission should be named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

*NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.*

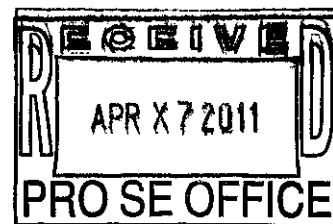
Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

*NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

11 CV. 2568



**COMPLAINT  
FOR EMPLOYMENT  
DISCRIMINATION**

Jury Trial:  Yes  No  
(check one)

See Attached

**I. Parties in this complaint:**

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Vera Givens L  
 Street Address 7 Allerton Avenue  
 County, City Middleton NY 10940  
 State & Zip Code Middleton NY 10940  
 Telephone Number 347 313 5902

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Att. JEAN N GILBERG / legal Department  
New York City Department of Corrections  
 Street Address 75-20 Astoria Boulevard  
 County, City EAST ELMHURST Boulevard NY 10137  
 State & Zip Code Queens NY 11370  
 Telephone Number 712 266-1711

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer New York City Department of Corrections  
 Street Address 1 Hollock Street  
 County, City Bronx NY 10454  
 State & Zip Code Bronx NY 10454  
 Telephone Number \_\_\_\_\_

**II. Statement of Claim:**

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (*check only those that apply*)

Failure to hire me.

Termination of my employment. Feb 3, 2009

Failure to promote me.

Failure to accommodate my disability. Oct 10, 2006 To February 3, 2009

Unequal terms and conditions of my employment.

(Defendants)

① Paul Labossiere

40 Rector Street 10th floor  
N.Y.N.Y. 10006

② Patricia L Gatling

40 Rector Street 10th floor  
N.Y.N.Y. 10006

③ Mark Wilson

40 Rector Street 10th floor  
N.Y.N.Y. 10006

(Defendants)

④ Cynthia Barrett

75-20 Astoria Blvd  
East Elmhurst NY 121370

⑤ Ronald Vizsmalle

75-20 Astoria Blvd  
East Elmhurst NY 121370

⑥ William Thomas (Warden)

75-20 Astoria Blvd  
East Elmhurst NY 121370

⑦ Deputy Warden Diane Com

75-20 Astoria Blvd  
East Elmhurst NY 121370

⑧ Warden Carmine LaMalfa

75-20 Astoria Blvd  
East Elmhurst NY 121370

⑨ Security Captain (VCBC)  
Vaughn

75-20 Astoria Blvd  
East Elmhurst NY 121370

⑩ Norman Seabrock

75-20 Astoria Blvd  
East Elmhurst NY 121370

⑪ Luis R Burgos

75-20 Astoria Blvd  
East Elmhurst NY 121370

⑫ Jackie Burgos

75-20 Astoria Blvd  
East Elmhurst NY 121370

⑬ Phyllis Smalls

75-20 Astoria Blvd  
East Elmhurst NY 121370

⑭ Dale Paglos

75-20 Astoria Blvd  
East Elmhurst NY 121370

Retaliation.

Other acts (specify): \_\_\_\_\_

**Note:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

- B. It is my best recollection that the alleged discriminatory acts occurred on: Oct 10 2008 To Feb 3, 2009

Date(s)

- C. I believe that defendant(s) (check one):

is still committing these acts against me.

Refusing to pay me my  
Refusing to pay for my  
Medications for my disability  
Claim Workers Compensation  
despite Judge order.

- D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

 race \_\_\_\_\_ color \_\_\_\_\_ gender/sex \_\_\_\_\_ religion \_\_\_\_\_ national origin \_\_\_\_\_ age. My date of birth is \_\_\_\_\_ (Give your date of birth only  
if you are asserting a claim of age discrimination.) disability or perceived disability, Post Traumatic Stress (specify)

Right to know fact No 12 Don't  
Discriminate, Dislike, Disorder, Savage People

- E. The facts of my case are as follow (attach additional sheets as necessary): Terminating me by bid  
Respondent (NYC Deparation) affixed on ACCORDATION who  
and removed the accommodation unlawfully. Terminated all  
the petitioner who was out on workers compensation injury for  
violated sick leave collective bargaining agreement creating  
a hostile working environment caused undue hardship, and  
negligently, wantonly, intentionally, recklessly,  
knowingly and wrongfully applied policies of employment  
termination of employment charges as summary charges.

**Note:** As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

### III. Exhaustion of Federal Administrative Remedies:

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct (Date): \_\_\_\_\_

The Defendants (Commission on Human Rights)

Failure to Investigate a true  
Investigation involving dispersed  
unlawful/wrongful termination or  
engaging in unlawful discrimination  
Practice, and falsifying documentation  
and carrying out a one sided Investigation,  
failure to investigate disability discrimination,  
purposely and intentionally engage in unlawful  
discrimination practice, the Commission  
Sabotaged by complaint with the understanding  
that Luis P. Burgess Deputy Commissioner who is  
one of the Defendants in the complaint previously  
worked at New York City Department of Correction  
as a EEO Commissioner and in Current since 2008  
work with the commission on human rights as  
a first vice Deputy Commissioner which is a  
Conflict of interest pertaining to my complaint,

B. The Equal Employment Opportunity Commission (*check one*):

has not issued a Notice of Right to Sue letter.  
 issued a Notice of Right to Sue letter, which I received on March 1, 11 (Date).

*Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.*

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

60 days or more have elapsed.  
 less than 60 days have elapsed.

**IV. Relief:**

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: ~~monetary relief, including past and ongoing economic losses, injunctrive relief, declaratory judgment, compensation and punitive damages, disbursement, cost awards and fees for violations of plaintiff pursuant to diversity of jurisdiction.~~  
*(Describe relief sought, including amount of damages, if any, and the basis for such relief.)*

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 7 day of April, 2011

Signature of Plaintiff



Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number

\_\_\_\_\_

Fax Number (*if you have one*)

\_\_\_\_\_

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Vera Givens  
7 Allerton Avenue  
Middletown, NY 10940

From: New York District Office  
33 Whitehall Street  
5th Floor  
New York, NY 10004



*On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

16F-2007-00138

Holly M. Woodyard,  
Investigator

(212) 336-3643

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

MAR - 1 2011

Enclosure(s)

Elizabeth Grossman,  
Acting District Director

(Date Mailed)

cc: NYC DEPARTMENT OF CORRECTION  
Jean N. Gilberg, Legal Division  
75-20 Astoria Blvd.  
East Elmhurst, NY 11370

Lloyd Somer, Esq.  
Law Offices of Lloyd Somer  
330 Seventh Ave., 15<sup>th</sup> Fl.  
New York, NY 10001